IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

OP.No. 38029 of 2001(S)

OA.1264/2000 of CENTRAL ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH
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PETITIONERS:
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1. THE SENIOR DIVISIONAL PERSONNEL OFFICER,
   SOUTHERN RAILWAY, OLAVAKKODE
2. UNIONOF INDIA REPRESENTED BY THE
   SECRETARY, MINISTRYOF RAILWAYS, NEW DELHI
3. ADDL. DIVISIONAL RAILWAY MANAGER,
   SOUTHERN RAILWAY, PALGHAT DIVISION,
   PALGHAT

BY ADV. SMT.SUMATHY DANDAPANI

RESPONDENTS:

N.V. THANKAPPAN, S/o M.P. LAKSHMIKUTTY VARRIER
AYYAPPAN KOVIL VARIUM, POST MARAYAMANGALAM,
CHERUPALASSERY, PALGHAT DISTRICT

BY ADV. SRI P.V. MOHANAN

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 20/07/2007, ALONG WITH OP 31474 OF 2001, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN & ANTONY DOMINIC, JJ.

O.P. Nos. 38029 and 31474 of 2001 - S

Dated: 20th July 2007

JUDGMENT

Radhakrishnan, J.

When the matter came up for hearing counsel for the petitioners submitted that similar issues came up for consideration before a Division Bench of this court in O.P. No 31783 of 2001 and connected cases and the court disposed of the writ petitions as per judgment dated 29.09.2005 giving certain directions. We extract the relevant paragraph of the judgment hereunder.

> "13. The Tribunal has given peremptory directions, in the light of the observations made by them in O.A. No 1210 of 2000 dated 16.04.2001. We feel that the directions contained in paragraph 5 in spirit are to be made applicable as far as the petitioner in O.P. No 36501 of 2001 is concerned. The directions are extracted herein below.
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> "(a) The second respondent shall within a month from the date of receipt of a copy of this order issue a notice to the applicant calling upon him to produce the original of the casual labour card (A2) and any other document in support of his claim regardign the number of days of casual service rendered by him, giving the applicant two weeks time.

(b) On receipt of the notice from the second respondent, the applicant shall within two weeks stipulated produce; before the second respondent the casual labour cards and other relevant mateials, if any, for his verification.

(c) On production of the casual labour cards and other materials by the applicant, the second respondent shall verify the correctness of number of days of casual service put in by the applicant as revealed from the casual labour cards (originals of A1 and A2) and other records if any available in the office such as LTI Registers, Muster Rolls etc., and fix the correct number of days of service, give proper placement to the applicant in the live register of casual labourers commensurate with the actual days of service rendered by him within a period of four weeks from the date of production of the casuallabour cards etc., by the applicant before him.

(d) After assignment of proper placement in the live register of casual labourers as directed above the applicant shall be considered for absorption on a Group D post with effect from the date on which any person with lesser length of casual service than the applicant including the third respondent has been absorbed on a Group D post and if the applicant is found not otherwise unsuitable for such absorption, orders in that behalf shall be issued within a period of four weeks thereafter."

We make it clear that the directions given in the judgment extracted above would govern this case as well. Let the follow up steps as directed by the Tribunal as well as this court in O.P. No 31783 of 2001 and these cases be taken within a period of three months and the employees concerned are to be advised appropriately in the

matter.

The writ petitions are disposed of as above.

Sd/-
K.S. RADHAKRISHNAN
Judge

Sd/-
ANTONY DOMINIC
Judge

20/07/2007
en/

[true copy]